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Attorney for the Plaintiffs, proposed FLSA Collective and potential Rule 23 Class

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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PARANEE SARIKAPUTAR,
SYSOUVONG, PHOUVIENGSONE,
SUPUNNEE, SUKASAWETT,
VINA, PATAN, and
SITTIDAJ, WIPPAPORN,
on their own behalf and on behalf of others similarly situated

Plaintiffs,
v.

VERATIP CORP

d/b/a ThaiNY, d/b/a M-Thai,
d/b/a Thai Rice and d/b/a Tom Yum;

J AKIRA LLC

d/b/a ThaiNY, d/b/a M-Thai,
d/b/a Thai Rice and d/b/a Tom Yum;

THAINY RESTAURANT LLC

d/b/a ThaiNY, d/b/a M-Thai,
d/b/a Thai Rice and d/b/a Tom Yum;

NINETY-NINE PLUS CORP

d/b/a ThaiNY, d/b/a M-Thai,
d/b/a Thai Rice and d/b/a Tom Yum;

9999 MIDTOWN CORP

d/b/a ThaiNY, d/b/a M-Thai,
d/b/a Thai Rice and d/b/a Tom Yum;

PERAPONG CHOTIMANENOPHAN

a/k/a Peter Chotimanenophan,

MICHAEL P BRONSTEIN, and

CHARDENPONG OONAPANYO

Defendants.

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WHEREAS, Plaintiffs and the putative class of individuals having made an application to implement a court-supervised notification to the putative class members under 29 U.S.C. § 216(b), and;

Case No. 17-cv-00814

**COURT AUTHORIZED
NOTICE OF 29 U.S.C. § 216(b)
COLLECTIVE ACTION**

**IMPORTANT NOTICE
ADVISING YOU OR YOUR
RIGHTS**

WHEREAS the Court having read and considered the proposed Notice of Pendency and Consent to Joinder form and

WHEREAS the Court finding that there exist substantial and sufficient grounds for entering this Order;

IT IS HEREBY ORDERED that:

1. Within fifteen (15) days after entry of this Order, Defendants shall furnish to Plaintiffs' counsel and the designated notice administrator an Excel spreadsheet containing:
 - a. first and last name,
 - b. last known address with apartment number (if applicable),
 - c. the last known telephone numbers,
 - d. last known e-mail addresses,

work location, dates of employment and position of all **current and former non-exempt and non-managerial employees** employed at any time from February 02, 2014 to the present at:

- M-Thai/ Tom Yum:
 - at 232 Eighth Avenue, New York, NY 10011; and
 - at 200 Eighth Avenue, New York, 10011.
- ThaiNY:
 - at 394 Third Avenue, New York, NY 10016;
 - at 1750 2nd Avenue, New York, NY 10128; and
 - at 1718 2nd Avenue, New York, NY 10128.
- Thai Rice:
 - 165 West 23rd Street, New York, NY 10011.

By:

- (1) VERATIP CORP d/b/a ThaiNY, d/b/a M-Thai, d/b/a Thai Rice and d/b/a Tom Yum;
- (2) J AKIRA LLC d/b/a ThaiNY, d/b/a M-Thai, d/b/a Thai Rice and d/b/a Tom Yum;
- (3) THAINY RESTAURANT LLC d/b/a ThaiNY, d/b/a M-Thai, d/b/a Thai Rice and d/b/a Tom Yum;
- (4) NINETY-NINE PLUS CORP d/b/a ThaiNY, d/b/a M-Thai, d/b/a Thai Rice and d/b/a Tom Yum;
- (5) 9999 MIDTOWN CORP d/b/a ThaiNY, d/b/a M-Thai, d/b/a Thai Rice and d/b/a Tom

Yum;

(6) PERAPONG CHOTIMANENOPHAN a/k/a Peter Chotimanenophan,

(7) MICHAEL P BRONSTEIN, and

(8) CHARDENPONG OONAPANYO at the following Thai restaurants;

This mailing list shall be treated by the Parties as confidential.

2. The Notice of Pendency and Consent to Joinder shall be published in English, Thai, Lao, and Spanish language newspaper at Defendants' expense for Defendants' failure to furnish accurate addresses.

3. The Notice of Pendency and Consent to Joinder shall be posted by the defendants in a conspicuous location at:

- M-Thai/ Tom Yum:
 - at 232 Eighth Avenue, New York, NY 10011; and
 - at 200 Eighth Avenue, New York, 10011.
- ThaiNY:
 - at 394 Third Avenue, New York, NY 10016;
 - at 1750 2nd Avenue, New York, NY 10128; and
 - at 1718 2nd Avenue, New York, NY 10128.
- Thai Rice:
 - 165 West 23rd Street, New York, NY 10011.

4. Within twenty-one (21) days after receipt of a complete and accurate (with all fields filled out and with the correct number of persons) Defendants' Excel spreadsheet, the Plaintiffs or their designated representatives shall cause a copy of the Notice of Pendency and Consent to Joinder Form to be mailed by first class.

5. The Notice of Pendency and Consent to Joinder shall indicate that opt-in plaintiffs should a significant number of Notices be returned as undeliverable with no forwarding address, Plaintiffs must consent to join the action within ninety (90) days from the date notice is mailed.

6. Should Defendants fail to furnish a complete Excel list as detailed in Paragraph 2 above **OR** more than 20% of Notices be returned as undeliverable with no forwarding address, Plaintiff reserves the right to apply to the Court for permission to cause a copy of the Notice of Pendency, substantially in the same form as attached to the Plaintiff's Motion for Conditional Collective Certification, to be published in an English, Thai, Lao, and Spanish language newspaper at Defendants' expense for Defendants' failure to furnish accurate addresses.

7. The equitable tolling on the statute of limitation on this suit be tolled for 90 days until the expiration of the Opt-in Period.

The Court approves the form of Notice of Pendency and Consent to Joinder, and finds that the mailing of such Notice substantially in the manner and form set forth in paragraph 1 of this Order will constitute the best notice practicable under the circumstances to members of the Class. A copy of the notice will be posted in the agreed upon areas.